

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

02-CR-20-WMC-01

FORREST GABOR,

Defendant.

A hearing on the probation office's petition for judicial review of Forrest M. Gabor's supervised release was held on September 4, 2013, before U. S. District Judge William M. Conley. The government appeared by Assistant U. S. Attorney Daniel J. Gruber. Defendant was present in person and by counsel Erika L. Bierma. Also present was Senior U. S. Probation Officer Helen Healy Raatz.

From the record, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on August 7, 2002, following his conviction for Count 1: threat by mail to kill the President of the United States, a Class D felony in violation of 18 U.S.C. § 871(a); and Count 3: threat to use a biological weapon, a Class A felony in violation of 18 U.S.C. § 2332a(a)(2). Defendant was ordered to serve 57 months' imprisonment on each count to run concurrently, followed by a three-year term of supervised release on Count 1 and a four-year term of release on Count 3.

On January 26, 2007, defendant's supervised release term began. Defendant violated release conditions when he used marijuana and absconded from supervision. On June 28, 2007, U.S. District Judge John C. Shabaz revoked both terms of supervision and imposed a revocation sentence of 30 months' imprisonment and ordered a four-year term of supervised release on Count 3.

Defendant commenced his second term of supervised release on July 31, 2009. Defendant violated supervised release conditions by committing new criminal activity, possessing and using marijuana, and associating with a felon. On September 19, 2011, U.S. District Judge William M. Conley revoked the term of supervised release and imposed a revocation sentence of 24 months' imprisonment followed by a six-month term of supervised release.

Defendant commenced his third term of supervised release on June 14, 2013. As a special condition of supervised release, defendant immediately began a public law placement at Schwert House located in Madison, Wisconsin. On June 21, 2013, Schwert House staff contacted Madison police to report defendant's threatening behavior resulting in defendant's arrest. Dane County District Attorney's Office declined to prosecute defendant. Following a June 28, 2013, initial appearance, defendant was released pending judicial review and returned to Schwert House to participate in treatment programs. Defendant completed the substance abuse program at Schwert House and is currently participating in relapse prevention and cognitive intervention groups. He has also secured full-time employment at a fast food restaurant, where he is being considered for a management position.

Defendant's violation conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that the court may (A) revoke supervision or (B) extend the term of supervision and/or modify the conditions of supervision upon the finding of a Grade C violation.

CONCLUSIONS

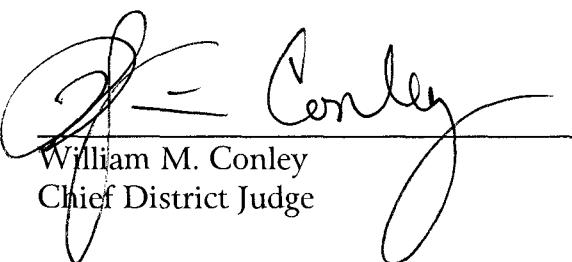
Defendant has adjusted his behavior and is in compliance with supervision conditions. Revocation is not warranted at this time.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on September 19, 2011, is CONTINUED.

Entered this 4th day of September 2013.

BY THE COURT:



William M. Conley
Chief District Judge